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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 2155  
Examiner: Mr. Shawki Saif Ismail

In re PATENT APPLICATION of:

Applicant : Shin TORIGOE et al )  
Serial No. : 10/720,690 )  
Filed : November 25, 2003 )  
For : WEB PAGE UPDATE )  
NOTIFICATION METHOD AND )  
WEB PAGE UPDATE )  
NOTIFICATION DEVICE )  
Attorney Ref. : OKI 390 )

**RESPONSE**

July 30, 2007

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

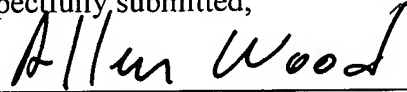
Sir:

This is responsive to the "Notification of Non-Compliant Appeal Brief (37 CFR 41.37)" mailed June 29, 2007, the period for reply to which has been set to expire July 29, 2007 (a Sunday, and thus on the following Monday, July 30, 2007).

A fee of \$ None is being submitted concurrently. Should this remittance be accidentally missing, however, or should any additional fees be needed (including extension of time fees, since Applicants hereby provisionally petition for any extensions that may be deemed necessary to avoid abandonment), the Director may charge such fees to Deposit Account number 18-0002.

In response to the requirement in the "Notification of Non-Compliant Appeal Brief (37 CFR 41.37)," a paper entitled "Amended Appeal Brief" is attached hereto

Respectfully submitted,

A handwritten signature in black ink that reads "Allen Wood". The signature is written in a cursive style with a horizontal line underneath it.

Allen Wood (Reg. No. 28,134)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit: 2155  
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**AMENDED  
APPEAL BRIEF**

July 30, 2007

**Attn: Mail Stop Appeal Brief-Patents**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**INTRODUCTION**

This is an Appeal to the Board of Patent Appeals and Interferences from the decision, in the Office Action dated August 4, 2006, finally rejecting claims 2-5, 7-11, 13-16 and 18-23. A Notice of Appeal and a Petition for an extension of time were filed on January 4, 2007, and an original Appeal Brief was filed on Monday, March 5, 2007. The present Amended Appeal Brief is being filed in response to a "Notification of Non-Compliant Appeal Brief (37 CFR 41.37)" dated June 29, 2007.

The appeal brief fees has already been paid. Should any additional fees be needed (including extension of time fees, since Appellants hereby provisionally petition for any

extensions that may be deemed necessary to avoid abandonment), the Director may charge such fees to our Deposit Account number 18-0002.

**(i) REAL PARTY IN INTEREST**

The real party in interest in this appeal is the Assignee, Oki Electric Industry Co., Ltd.

**(ii) RELATED APPEALS AND INTERFERENCES**

To the best of the knowledge and belief of the undersigned attorney, there are no prior or pending appeals, interferences, or judicial proceedings which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

**(iii) STATUS OF THE CLAIMS**

Claims 2-5, 7-11, 13-16, and 18-23 are pending in this application. Claims 1, 6, 12, and 17 have been cancelled. No claims have been allowed. All of the pending claims (that is, claims 2-5, 7-11, 13-16, and 18-23) are involved in this appeal.

**(iv) STATUS OF AMENDMENTS**

An Amendment After Final Rejection was filed on December 4, 2006. An Advisory Action dated December 28, 2006 reported that the claims remained finally rejected and that the Amendment After Final Rejection would not be entered. A paper entitled "Letter" was filed on January 4, 2007 to request entry of the Amendment After

Final Rejection for purposes of appeal. Since no response to this letter was received by the week before the due-date for this Appeal Brief, the undersigned attorney left a telephone message asking the Examiner about the matter. The Examiner responded with a telephone message (the undersigned attorney was out of the office for the rest of the week) explaining that he had never received the Letter. The undersigned attorney did not pursue the matter further due to the looming due-date for this Brief.

The Amendment After Final Rejection would have cancelled independent claim 23 and corrected a minor informality in independent claim 18. As a result of the non-entry of the Amendment After Final Rejection, claim 23 is among the claims on appeal.

#### **(v) SUMMARY OF CLAIMED SUBJECT MATTER**

Concise Explanation of the Subject  
Matter of Each Independent Claim  
[First Sentence of 37 CFR 41.37(c)(v)]

The present application discloses several embodiments of a system for notifying people when a web page of interest is updated. In the embodiment shown in Figures 1-4, an update notification device 10 is connected to multiple web servers 1a through 1c and to multiple user terminals 4a through 4c through the internet 2 and/or a mobile telephone network 3 (page 4, lines 15-17). The update notification device 10, which may be a general server computer, includes a setting portion 12, an update detecting portion 13, a notification portion 15, an article creating portion 14, a mail creating portion 17, and a database 11 (page 5, lines 17-21).

The URLs of web pages of interest are input through the user terminals 4a through 4c, and the setting portion 12 stores these URLs in the database 11 (page 5, line 22 to page

6, line 1). The database 11 also stores the addresses of the user terminals (page 9, lines 20-23). The update detecting portion 13 accesses the web pages corresponding to the URLs at predetermined intervals and compares the most recent version of each page to the previous version to detect differences from the previous access (page 6, lines 2-10). The update detecting portion 13 then extracts the differences as updated parts (page 6, lines 10-12).

The article creating portion 14 creates an article title and body that are to be included in a notification message in accordance with the updated part, and the mail creating portion 17 creates the notification message (page 6, lines 13-20). A notification message is created for each of the user terminals 4a through 4c that is to be notified. The notification portion 15 sends the notification messages to the user terminals (page 7, lines 7-10).

The process executed by the update notification device 10 is illustrated in Figure 2 and described in the passage at page 7 of the application, line 18 to page 10, line 18. The update detection portion 13 reads the URLs of the web pages from the database 11 in step S1, the web pages are accessed in step S2, and updates are detected in step S3. If a web page has been updated, the new version is stored in step S4. The article creating portion obtains the difference (or differential information, an example of which is shown in Figure 3) between the old and new versions of the web page from the update notification device 10 in step S5, and the article creating portion 14 uses the differential information to create an article in step S6. After the last URL has been checked at step S7, the mail creating portion 17 creates the bodies of notification messages in step S8. The notification messages are sent by the notification portion 15 in step S9.

In another embodiment, the database 11 can store keywords of the users (page 16, line 23 to page 17, line 1; Figure 9, upper right). Articles without the keywords are removed (page 16, lines 10-15; page 18, lines 19-23; S30 in Figure 9).

The notification messages may include various items of information, such as the updated data, a header for the updated data, and the address of the web page (page 2, lines 21-24). Figures 4 and 10, and the box marked M4 in Figure 7, show examples of notification messages and the information they may contain (page 10, lines 15-18; page 15, lines 6-7; page 21, lines 12-16).

Identification of Structure, Material, or Acts  
Corresponding to Functions in independent  
Claims and Dependent claims Argued Separately  
[Second Sentence of 37 CFR 41.37(c)(v)]

The following claim charts show examples of how the claims that will be separately argued later in this Brief can be read on the disclosure

3. An update notification device according to claim 7, wherein the updated data extracting means has means (24; see page 16, lines 10-14) for converting the updated data to a main passage when the size of the differential information piece is equal to or more than a predetermined threshold value.

7. An update notification device (10) for repeatedly accessing at least one web site (1a, 1b, and 1c) identifiable with a preset address and outputting a notification message if any web page has been updated in the at least one web site, the device comprising:

updated data extracting means (13, 24, 25, and 27; see page 6, lines 2-12 and page 16, lines 10-17) for extracting updated data from an updated web page;

notification-receiver's address holding means (11; see page 9, lines 20-23) for holding the address of a user terminal (4a, 4b, or 4c) for receiving a notification message with respect to each at least one web site with an updated web page;

updated data output means (14, 15, 17, and 28; see page 2, lines 21-24, page 6, lines 13-20, page 8, lines 18-25, page 14, lines 2-5, and page 16, lines 15-17) for adding, to the notification message, at least one of a header of the updated data, at least some of the updated data, and information about the address of the updated web page, the updated data output means sending the notification message to the address of the user terminal,

wherein the notification-receiver's address holding means (11; see page 16, line 23 to page 17, line 1) further has means for holding at least one keyword with respect to the address of the user terminal, and

wherein the updated data extracting means has means (25; see page 16, lines 14-15) for removing a differential information piece from the updated data when the differential information piece does not include the held keyword, the differential information piece representing differences between old and new web page data.

8. An update notification device according to Claim 7, wherein the updated data extracting means has means (27; see page 18, lines 22-24) for



compiling a rank, which indicates a degree-of-attention of the web page, in accordance with the frequency of occurrence of updated data having a keyword corresponding to each user terminal.

18. An update notification method for repeatedly accessing at least one web site (1a, 1b, and 1c) identifiable with a preset address and outputting a notification message if any web page has been updated in the at least one web site, the method comprising:

an updated data extracting step (performed by 13, 24, 25, and 27; see page 6 lines 2-12 and page 16, lines 10-17) for extracting updated data from an updated web page;

a notification-receiver's address holding step (performed by 11; see page 9, lines 20-23) for holding the address of a user terminal (4a, 4b, or 4c) for receiving a notification message with respect to each at least one web site with an updated web page; and

an updated data output step (performed by 14, 15, 17, and 28; see page 2, lines 21-24, page 6, lines 13-20, page 8, lines 18-25, page 14, lines 2-5, and page 16, lines 15-17) for adding, to the notification message, at least one of a header of the updated data, at least some of the updated data, and information about the address of the updated web page, and for sending the notification message to the address of the user terminal,

wherein the notification-receivers address holding step further has a step (performed by 11; see page 16, line 23 to page 17, line 1) for holding at least one keyword with respect to the address of the user terminal, and

wherein the updated data extracting step has a step (25; see page 16, lines 14-15) for removing a differential information piece from the updated data when the differential information piece does not include the held keyword, the differential information piece representing differences between old and new web page data.

23. A method for monitoring a web site (1a, 1b, or 1c), comprising the steps of:

repeatedly accessing the web site (performed by 13; see page 6, lines 2-12);

detecting differences between old web site data and new web site data(performed by 13; see page 16, lines 2-12);

determining whether the differences include a keyword set by a user (performed by 25; see page 16, lines 14-15); and

notifying the user (4a, 4b, or 4c) that the web site has been updated if the differences include the keyword (performed by 14, 15, and 17; see page 6, line 13 to page 7, line 1).

**(vi) GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

All of the pending claims stand rejecting under 35 USC 103 on the basis of US patent 5,890,836 to Freivald in view of US patent 6,915,482 to Jellum et al. For the sake of convenient discussion, these references will hereafter be called simply “Freivald” and “Jellum.”

(vii) **ARGUMENT**

**The Independent Claims:**

**Independent claim 7** recites that a notification-receiver's address holding means includes "means for holding at least one keyword...". Claim 7 also provides that a "differential information piece" represents differences between old and new web page data, and that an updated data extracting means includes "means for removing [the] differential information piece from the updated data when the differential information piece does not include the held keyword."

At the middle of page 4, the Office Action of August 4, 2006 acknowledges that Freivald does not disclose these features. The Office Action then turns to Jellum, and concludes that it would have been obvious to incorporate the teachings of Jellum into Freivald's system in order to provide precise notification of a changed document. Not surprisingly, Applicants respectfully disagree with this conclusion.

The operation of Freivald's system is summarized in the abstract of the reference. A web page is divided into sections and a checksum is generated for each section and stored. During a subsequent visit to the web page, new checksums are generated. If the old checksum does not match the new checksum in a section of interest to a user, the user is notified that a change has occurred.

Jellum's technique for detecting changes is considerably different. Jellum detects changes by comparing an old XML file to a new XML file (see column 9, lines 12-16).

It is respectfully submitted that an ordinarily skilled person who wanted to improve Freivald's system in some way would not have been interested in Jellum's keywords. The

reason is that the ordinarily skilled person would likely think that any information about a keyword, in a section of interest to a user of Freivald's arrangement, would not be preserved when the section of interest is converted to a checksum in accordance with the Freivald reference. It is therefore respectfully submitted that Jellum would not have led an ordinarily skilled person to modify Freivald so as to achieve the invention defined by independent claim 7.

**Independent claim 18** is similar to claim 7, except that it is a method claim instead of an apparatus claim. It is respectfully submitted that the invention defined by claim 18 is patentable over the references for the same reasons discussed above with respect to claim 7.

**Independent claim 23** is a method claim in which differences between old website data and new website data are detected and a determination is made as to whether these differences include a keyword. Claim 23 concludes by reciting the step of "notifying the user that the web site has been updated if the differences include the keyword." It is respectfully submitted that the invention defined by claim 23 would not have been obvious from Freivald and Jellum, for basically the same reasons discussed above with respect to claim 7. Freivald's scheme for detecting changes in a website involves comparing an old checksum with a new checksum. An ordinarily skilled person would have had no reason to think that one of Jellum's keywords in a section of interest would retain its identity as a keyword after this checksum conversion.

### **The Dependent Claims:**

Since the remaining claims depend from the independent claims discussed above and recite additional limitations to further define the invention, they are patentable along with their independent claims. Nevertheless, several dependent claims will now be briefly addressed.

**Claim 3** depends from independent claim 7 and recites that “the updated data extracting means has means for converting the updated data to a main passage when the size of the differential information piece is equal to or more than a predetermined threshold value.” **Claim 14** is similar, but depends from independent claim 18. It is respectfully submitted that the references would not have led an ordinarily skilled person to condense updated data to a main passage if the differences between an old web page and a new web page are large. With regard to claim 3, the Office Action of August 4, 2006 draws attention to the passage at column 12 of Freivald, lines 48-56, but this passage simply says that minor changes to a web page can be filtered out by setting a minimum threshold of changes in order to generate a report. (Claims 5 and 16 are similar to claims 3 and 14 but depend only indirectly from their independent claims.)

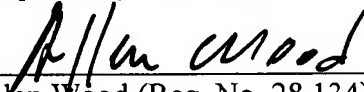
**Claim 8** depends from independent claim 7 and recites that “the updated data extracting means has means for compiling a rank, which indicates a degree-of-attention of the web page, in accordance with the frequency of occurrence of updated data having a keyword corresponding to each user terminal.” Claim 19 is similar but depends from independent claim 18. It is respectfully submitted that such ranking is not suggested by the reference. With regard to claim 8, the Office Action of August 4, 2006 refers again to the

above-noted passage at column 12, lines 48-56, but it is respectfully submitted that this passage would not have led an ordinarily skilled person to compiling ranks in accordance with a frequency at which updated data contains keywords.

### **CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejected claims are patentable over the Freivold and Jellum references. The Examiner's rejection of these claims should therefore be reversed.

Respectfully submitted,



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### **(viii) CLAIMS APPENDIX**

The claims involved in this appeal are presented below.

2. An update notification device according to Claim 1, wherein the updated data extracting means extracts the updated data from the differential information piece.

3. An update notification device according to claim 7, wherein the updated data extracting means has means for converting the updated data to a main passage when the size of the differential information piece is equal to or more than a predetermined threshold value.

4. An update notification device according to Claim 7, wherein the differential information piece pertains to a part of the web page data determined by a template held in advance in accordance with the web page, and the updated data extracting means extracts the updated data from the differential information piece.

5. An update notification device according to Claim 4, wherein the updated data extracting means has means for converting the updated data to a main passage when the size of the differential information piece is equal to or more than a predetermined threshold value.

7. An update notification device for repeatedly accessing at least one web site identifiable with a preset address and outputting a notification message if any web page has been updated in the at least one web site, the device comprising:

updated data extracting means for extracting updated data from an updated web page;

notification-receiver's address holding means for holding the address of a user terminal for receiving a notification message with respect to each at least one web site with an updated web page;

updated data output means for adding, to the notification message, at least one of a header of the updated data, at least some of the updated data, and information about the

address of the updated web page, the updated data output means sending the notification message to the address of the user terminal,

wherein the notification-receiver's address holding means further has means for holding at least one keyword with respect to the address of the user terminal, and

wherein the updated data extracting means has means for removing a differential information piece from the updated data when the differential information piece does not include the held keyword, the differential information piece representing differences between old and new web page data.

8. An update notification device according to Claim 7,

wherein the updated data extracting means has means for compiling a rank, which indicates a degree-of-attention of the web page, in accordance with the frequency of occurrence of updated data having a keyword corresponding to each user terminal.

9. An update notification device according to Claim 7, wherein the updated data output means has means for creating the notification message in accordance with a predetermined template before the output of the notification message.

10. An update notification device according to Claim 7, wherein the updated data output means has means for creating a title of the notification message from the updated data.

11. An update notification device according to Claim 10, wherein the updated data output means has means for giving, to the title of the notification message, a notification message issue number incremented for each notification message issued with respect to a particular web site or for each user terminal to which the notification message is sent.

13. An update notification method according to Claim 18, wherein the updated data extracting step extracts the updated data from the differential information piece.



14. An update notification method according to Claim 18, wherein the updated data extracting step has a step for converting the updated data to a main passage when the size of the differential information piece is equal to or more than a predetermined threshold value.

15. An update notification method according to Claim 18, wherein the differential information piece pertains to a part of the web page data determined by a template held in advance in accordance with the web page.

16. An update notification method according to Claim 15, wherein the updated data extracting step has a step for converting the updated data to a main passage when the size of the differential information piece is equal to or more than a predetermined threshold value.

18. An update notification method for repeatedly accessing at least one web site identifiable with a preset address and outputting a notification message if any web page has been updated in the at least one web site, the method comprising:

- an updated data extracting step for extracting updated data from an updated web page;

- a notification-receiver's address holding step for holding the address of a user terminal for receiving a notification message with respect to each at least one web site with an updated web page; and

- an updated data output step for adding, to the notification message, at least one of a header of the updated data, at least some of the updated data, and information about the address of the updated web page, and for sending the notification message to the address of the user terminal,

- wherein the notification-receivers address holding step further has a step for holding at least one keyword with respect to the address of the user terminal, and

- wherein the updated data extracting step has a step for removing a differential information piece from the updated data when the differential information piece does not

include the held keyword, the differential information piece representing differences between old and new web page data.

19. An update notification method according to Claim 18, wherein the updated data extracting step has a step for compiling a rank, which indicates a degree-of-attention of the web page, in accordance with the frequency of occurrence of updated data having a keyword corresponding to each user terminal.

20. An update notification method according to Claim 18, wherein the updated data output step has a step for creating the notification message in accordance with a predetermined template before the output of the notification message.

21. An update notification method according to Claim 18, wherein the updated data output step has a step for creating a title of the notification message from the updated data.

22. An update notification method according to Claim 21, wherein the updated data output step has a step for giving, to the title of the notification message, a notification message issue number incremented for each notification message issued with respect to a particular web site or for each user terminal to which the notification is sent.

23. A method for monitoring a web site, comprising the steps of:  
repeatedly accessing the web site;  
detecting differences between old web site data and new web site data;  
determining whether the differences include a keyword set by a user; and  
notifying the user that the web site has been updated if the differences include the keyword.

**(ix) EVIDENCE APPENDIX**

No new evidence is being submitted with this Brief.

**(x) RELATED PROCEEDINGS APPENDIX**

In view of section (ii) of this Brief, no copies of decisions are appended.